

HOUSE BILL NO. 402

INTRODUCED BY M. LINDEEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON WHO HAS PAID FOR A RETAIL FOOD ESTABLISHMENT LICENSE UNDER TITLE 50, CHAPTER 50, MCA, AND WHO IS ALSO REQUIRED TO BE LICENSED FOR A WHOLESALE FOOD ESTABLISHMENT UNDER TITLE 50, CHAPTER 57, MCA, IS NOT REQUIRED TO PAY THE LICENSE FEE UNDER TITLE 50, CHAPTER 57, MCA; AND AMENDING SECTIONS 50-57-201, 50-57-205, AND 50-57-207, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-57-201, MCA, is amended to read:

"50-57-201. License required. (1) A person operating an establishment shall procure an annual license from the department.

(2) Except as provided in subsection (3), a separate license is required for each establishment, but if more than one type of establishment is operated on the same premises and under the same management, only one license is required.

(3) A person operating an establishment and a retail food establishment is required to obtain a separate license for the establishment under this chapter and for the retail food establishment under Title 50, chapter 50. However, a person who has paid the retail food establishment license fee under Title 50, chapter 50, is not subject to paying an establishment annual license fee under this chapter."

Section 2. Section 50-57-205, MCA, is amended to read:

"50-57-205. License fee -- late renewal fee -- allocation of fees. (1) For each annual license issued, the department shall collect a fee of \$90. For an operation containing an establishment and a retail food establishment, as provided in 50-57-201(3), the department ~~shall~~ may not collect one an establishment fee of \$90 for each license from a person who has paid a retail food establishment fee under Title 50, chapter 50.

(2) A person operating an establishment who fails to renew a license by the expiration date provided in 50-57-206 and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee

1 required by subsection (1). If the person is not required to pay a license fee under subsection (1), the person is
2 still liable for the \$25 late renewal fee. Payment of the late renewal fee does not relieve the operator of
3 responsibility for operating without a license.

4 (3) The department shall deposit the annual fees collected under subsection (1) as follows:

5 (a) 90% into the state special revenue fund to the credit of the local board inspection fund account,
6 created in 50-2-108;

7 (b) 5% into the general fund; and

8 (c) 5% into the account created in 50-57-213 in the state special revenue fund.

9 (4) The department shall deposit all of the fees collected under subsection (2) into the account created
10 by 50-57-213 in the state special revenue fund."
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12 **Section 3.** Section 50-57-207, MCA, is amended to read:

13 **"50-57-207. Right to renewal.** (1) License renewal may be obtained annually by paying the required
14 annual license fee provided for in 50-57-205, unless a person has paid a license fee under Title 50, chapter 50,
15 and is not required to pay an annual license fee under this chapter. A person not required to pay an annual
16 license fee under this chapter shall renew the license by filing any forms or information required by the
17 department.

18 (2) The department shall renew licenses as a matter of right, unless conditions exist that are grounds
19 for cancellation or denial of a license."
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